

**AN ORDINANCE**

**BY: Councilmembers Howard Shook  
H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell**

**06-O-1927**

**Z-06-**

**AS SUBSTITUTED**

**BY: ZONING COMMITTEE**

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED, 8B, FULTON COUNTY TOWNHOUSE RESIDENTIAL; TO ESTABLISH DESIGN GUIDELINES FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT FOR CASCADE GLENN; TO AMEND THE CITY OF ATLANTA ZONING MAPS; TO MODIFY THE ZONING PROCESS FOR ANNEXATIONS; AND FOR OTHER PURPOSES.**

**WHEREAS**, owners of real property and resident electors in the have applied to the City of Atlanta for annexation of certain property located within the Cascade Glenn as more fully described in exhibit "B" attached hereto; and

**WHEREAS**, Zoning Procedures Law requires a municipality to complete the zoning process for Property to be annexed into the City with the exception of the final vote before the annexation of the Property; and

**WHEREAS**, the Property is currently zoned TR in Fulton County; and

**WHEREAS**, the City of Atlanta wishes to adopt the current zoning to reduce and minimize any potential impact on surrounding properties; and

**WHEREAS**, because of time restraints placed on the ability of municipalities to annex properties in South Fulton the City needs to truncate the current zoning process while still meeting the Zoning Procedures law requirements;

**WHEREAS**, the adoption of the Fulton County TR designation is only for land annexed into the City on or before October 1, 2006 and is located in Cascade Glenn.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**Section 1.** That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the property located within the Cascade Glenn, as shown on the attached Exhibit "B",

be zoned to the Fulton County TR, (FC-TR) category.

- Section 2.** If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffix "C" after the district designation in section 1 above, the Director, Bureau of Buildings, shall issue a building permit only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District Regulation variances can be approved only by the Board of Zoning Adjustment.
- Section 3.** That the official zoning maps of the City of Atlanta be changed to conform with the terms of this Ordinance.
- Section 4.** That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended to read as follows on exhibit "A" attached hereto.
- Section 5.** That the City zoning process is hereby amended to allow for the public hearing be heard at the City Council meeting on September 18, 2006 instead of the Zoning Review Board for the purpose of Zoning the annexed land only.
- Section 6.** All ordinances or parts of ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

## Chapter 8B Fulton County Townhouse Residential

**16-08.001** *TR District scope and intent.* Regulations set forth in this section are the TR District regulations. To adopt the regulations currently in place for land annexed into the City from Fulton County. Adoption of this designation is to ensure that there is no impact to surrounding properties and to allow for continuity in the land use regulations. The TR District is intended to provide land areas devoted to medium density uses consisting of single family and multifamily dwellings. Land areas zoned TR are further intended to provide a transition between low density and higher density residential areas or between low density residential and nonresidential areas. The TR District is intended to:

- A. Encourage the provision of usable open space and recreation areas as part of a living environment.
- B. Be located primarily in areas near or adjacent to single family areas.
- C. Be located so as to provide a transition between single family areas and nonresidential areas.
- D. Be located near retail shopping and major thoroughfares.
- E. Encourage home ownership.

**16-08.002** *Use regulations.* Within the TR District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- 1. Single family dwelling.
- 2. Two family dwelling.
- 3. Townhouse.

B. *Accessory uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

*Development standards.*

A. *Height regulations:* No building shall exceed 40 feet in height.

B. *Minimum lot area or land area per unit:* 2,000 s.f.

C. *Maximum density:* Nine units per gross acre

D. *Minimum lot width:* 20 feet.

E. *Minimum TR development frontage:* 35 feet.

F. *Minimum lot frontage:*

-- 20 feet adjoining a street except up to 35 feet may be required whenever the director of public works requires the extra width to protect catch basins.

G. *Minimum heated floor area per unit:* 1,100 s.f.

H. *Minimum perimeter setbacks for the entire TR development.*

1. *Minimum front yard:* 40 feet.

2. *Minimum side yard:*

-- 30 feet adjacent to interior line.

-- 40 feet adjacent to street.

3. *Minimum rear yard:* 35 feet.

I. *Minimum interior setbacks when one building per lot:*

1. *Minimum front yard:* 20 feet from right-of-way.

2. *Minimum side yard:*

-- Seven feet adjacent to interior lot line, except that up to a seven-foot encroachment and maintenance easement may be provided on adjacent parcels, in combination with or in lieu of a side yard, such that a minimum building separation of 14 feet is maintained.

-- 15 feet adjacent to street.

3. *Minimum rear yard:* 25 feet.

J. *Minimum accessory structure requirements:* Single family and two family uses, accessory structures may be located in the rear and side yards only, but shall not be located within a minimum yard. Townhouse accessory structures may be located within the side or rear yards only, but not within minimum perimeter setbacks or minimum yards.

K. *Maximum lot coverage:* The area of the footprint of all buildings and parking shall not exceed 50 percent of the total land area.

L. *Minimum building separation when more than one building per lot.* All building separations shall be as specified by the Standard Building Code.

M. *Other minimum standards:*

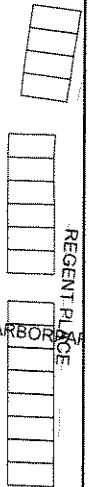
1. No more than 20 dwelling units shall form a single building.

2. Setbacks and roof lines shall be varied by at least two feet so that no more than three adjoining dwellings within a single building shall have the same front setback or roof line.

16-08.003 *District subdivision.* In the TR Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Subdivision Regulations of the City of Atlanta.

16.08.004 *Applicability.* This category is only available for those properties that where part of the annexation of land in the Cascade Glenn that took place during September 2006.

# CASCADE GLEN



1 inch equals 200 feet